

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DYNA-DRILL TECHNOLOGIES,
INC. and MICHAEL SPECKERT,**

Plaintiffs,

vs.

**KENNAMETAL, INC. d/b/a
CONFORMA CLAD, INC.,**

Defendant.

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Civil Action No. H-03-5599

FINAL JUDGMENT

On June 27, 2005, this Court called to trial the above-referenced lawsuit. Plaintiffs Dyna-Drill Technologies, Inc. (“Dyna-Drill”) and Michael Speckert (“Speckert”) appeared, and through their attorneys, announced ready for trial. Defendant Kennametal, Inc. d/b/a Conforma Clad, Inc. (“Conforma Clad”) also appeared, and through its attorneys, announced ready for trial.

A jury of nine men and women were duly selected, impaneled, and sworn. Counsel for all parties made their opening statements, presented evidence, and thereafter rested. This Court submitted to the jury the charge quoted below.

On July 18, 2005, the jury returned its verdict. The jury’s answer to the Court’s charge read as follows:

Question No. 1

Do you find that Dyna-Drill and Michael Speckert have proven by a preponderance of the evidence that Dyna-Drill and Michael Speckert independently developed the Matrix-3 product and process?

Answer “yes” or “no.”

ANSWER: _____

If you answer “yes” to this question, you do not need to answer any other questions.

The jury answered “yes” to Question 1. The Court duly accepted the verdict of the jury. These findings have been received by the Court, and have been filed and entered into the record by the Court. The Court, having considered the pleadings, the stipulations on record, the evidence, and the verdict, is of the opinion that Plaintiffs Dyna-Drill and Mr. Speckert are entitled to Judgment in their favor. IT IS THEREFORE,

ORDERED, ADJUDGED, AND DECREED that based on the jury’s verdict and the evidence presented at trial, judgment is rendered for Plaintiffs on their declaratory judgment claim as to independent development of the Matrix-3 product and process. IT IS FURTHER

ORDERED, ADJUDGED, AND DECREED that, based on the jury’s verdict and the evidence presented at trial, Defendant Conforma Clad take nothing by way of this suit, and that the above-entitled and numbered cause shall be dismissed, with prejudice, as to all claims for recovery by Defendant Conforma Clad. IT IS FURTHER

ORDERED, ADJUDGED, AND DECREED that pursuant to Fed. R. Civ. P. 54(d)(1), costs be assessed against Defendant Conforma Clad. Pursuant to Local Rule 54.2, Plaintiffs shall file their bill of costs within fourteen days from the date of entry of this Final Judgment. Pursuant to Fed. R. Civ. P. 54(d)(2), Plaintiffs shall file any motion

for attorneys' fees and related non-taxable expenses within fourteen days from the date of entry of this Final Judgment.

Any other relief requested by any party not previously granted or granted herein is denied. There are no claims that remain in this case. The Court retains jurisdiction to enforce the terms of this Judgment. This is a final judgment.

IT IS SO ORDERED.

SIGNED this 4th day of August, 2005.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", is written above a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS NOTICE SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.